REMARKS

Claims 1-31 are pending in the application.

Claims 1-31 have been rejected.

Claims 23-27 have been amended. No new matter has been added.

Objection to the Specification

The Examiner objected to the specification as failing to provide antecedent basis for the term "machine-readable medium." Applicant notes that explicit support for this term can be found on lines 7-10 of paragraph 44 of the specification. Accordingly, Applicant asserts that this rejection is moot.

Rejection of Claims Under 35 U.S.C. §101

Claims 23-27 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Claims 23-27, as amended, are directed to a program product that includes a machine-readable medium on which functional program instructions are stored. Claims of this type are clearly recognized as being statutory. To make the nature of the claims more clear, Applicant has moved the "machine-readable medium" from the preamble to the body of the claims. Since these claims clearly recite a machine-readable medium on which executable program instructions are stored, Applicants assert that the claims are directed to statutory subject matter.

Furthermore, claims 23-27 clearly produce a concrete, useful, and tangible result, which is a point-in-time image of a selected database component. This further indicates the statutory nature of these claims.

Claims 13-22 also stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants note that these claims are method claims that clearly produce a concrete, useful, and tangible result, for the

reasons set forth above with respect to claims 23-27. Accordingly, Applicants respectfully traverse this rejection.

Claims 28 and 30-31 similarly stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Again, Applicants note that these claims are system claims that clearly produce a concrete, useful, and tangible result, for the reasons set forth above with respect to claims 23-27. Furthermore, these claims recite specific tangible physical components, such as storage devices. For these reasons, Applicants respectfully traverse this rejection.

Rejection of Claims Under 35 U.S.C. §102

In the Office Action mailed May 31, 2006 (hereinafter referred to as "Office Action"), claims 1-31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004/0010487 issued to Prahlad et al. (hereinafter referred to as "Prahlad"). Applicants respectfully traverse this rejection.

With respect to claim 1, the cited art does not teach or suggest "discovering a plurality of components of a database." The Examiner equates "raw logical volumes" with "components of a database." Office Action, p. 4. Applicants respectfully disagree with this assertion and note that one of ordinary skill in the art would not consider the logical volumes used by a database to be components of the database.

The basis for the Examiner's equation of a logical volume with a database component appears to be a sentence in paragraph 45 of Prahlad, which states: "Sophisticated software, such as database management systems ("DBMS"), may use special file system features or even raw logical volumes, and employ measure to protect the consistency of data and metadata." However, this sentence simply states that a DBMS can make use of a raw logical volume. Just as a statement that a car can use a road would not teach or suggest that a road is a component of a car, the mere statement that a DBMS can use a logical volume neither teaches nor suggests that a logical volume is a component of a database.

None of the cited portions of the reference teach or suggest "discovering a plurality of components of a database." As noted above, the raw logical volumes are not

database components. Furthermore, there is no teaching or suggestion to discover database components. The cited reference is concerned with generating and managing quick recovery volumes. Prahlad, Title. Furthermore, the reference neither attempts to nor expresses any desire to interact with individual database components. Thus, the reference clearly does not teach or suggest anything about "discovering a plurality of components of a database."
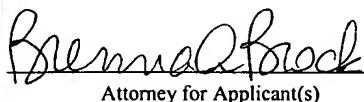
For at least the foregoing reason, claim 1 is patentable over the cited art, as are dependent claims 2-12. Claims 13-31 are patentable over the cited art for similar reasons.

Further with respect to claim 1, the cited art does not teach or suggest "selecting a data management resource... using an attribute of said component" and "generating a point-in-time image of said component using said data management resource." As noted above, the cited portions of Prahlad neither teach nor suggest discovering components of a database. The cited portions of Prahlad also fail to teach or suggest anything about attributes of database components, nor do the cited portions of Prahlad teach or suggest anything about attributes of database components and using those attributes to select data management resources. Accordingly, claim 1 is further patentable over the cited art for these reasons.

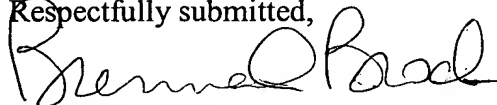Serial No.: 10/737,281

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

Respectfully submitted,

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Attorney for Applicant(s)   Date of Signature

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